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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

Comments on the Proposed Rule Making ET DOCKET NO. 95-19

From: Richard Smith, concerned American citizen

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The FCC proposes to amend Parts 2 and 15 of their rules to deregulate the equipment authorization requirements for digital devices. Restated in plain English, the FCC proposes to abdicate its responsibility to ensure that personal computers and peripheral equipment such as keyboards, printers, video monitors and controller cards, etc. comply with standards, which the Federal government has established to protect the public. It should be noted that the FCC is not proposing to change the existing standards (so one can conclude the FCC still believes that the standards are important). The FCC just doesn't want to be responsible for ensuring that manufactures comply with these standards. As a very concerned taxpayer and citizen, please be advised that I depend on the FCC to protect the integrity of the electronic products that I purchase and utilize. I believe this proposal is unsound. It does not benefit the public, and it is bad for small business. However, if you're a foreign computer manufacturer it is a great idea. No wonder it's the computer industry who is behind this proposal. The reasons this deregulation is bad for America are as follows:

o LOSS OF U.S. REVENUE

The FCC charges \$845 to grant the certification, which enables a manufacturer to sell their equipment in this country. This amounts to approximately \$3.5 million in income each year. The FCC estimates this proposal will save three man years of work each year. Assuming these personnel make \$75,000 a year, **this proposal will cost the US taxpayer over \$3.2 million annually.** While Congress is trying to balance the Federal budget, the FCC is trying to make the deficit higher. While the American taxpayer is being asked to pay more, the FCC is proposing that foreign businesses pay less. Approximately 40 percent of the FCC certifications in January, 1995 were from manufactures outside of the United States, which means 40 percent of the \$3.2 million in savings are going to foreign companies. This exclude all manufacturers of computer products located in the United States that are foreign owned. My first reaction to this proposal was, where is Johnny Carson? This is monologue material! My second reaction was the public is unaware of this FCC proposal, and would be outraged if they did know. So why is the FCC proposing something so outrageous? To satisfy manufacturers who are complaining the FCC takes 35 days to process an equipment authorization? If all manufacturers are waiting 35 days, that sounds like a level playing field. Additionally, tell an American company who has been trying for years to get an opportunity to sell products in Japan that a wait of 35 days is too long. This proposal is a loser, it would always have a negative cost benefit analysis.

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o WILL THE FCC CONTINUE TO BE THE EYES AND EARS OF US CONSUMERS ?

In the United States Government Manual, the FCC describes its compliance activities as the "eyes and ears" in protecting the American public from harmful interference. Now that the FCC is proposing to get out of the compliance business, who will be the "eyes and ears" for America? It won't be the FCC! If we allow industry to police itself, we end up with the fox watching the chicken coop. This is a very dangerous because most computers and peripherals are manufactured outside of the United States. Who in their right mind would permit **China to be America's "eyes and ears?"** China doesn't give a hoot about America. Incredibly, that is exactly what the FCC is proposing, to allow industry to certify themselves. During the month of January, 1995, 40% of computers and peripherals were certified by the FCC from foreign countries, the majority of which came from Taiwan, Japan and Korea. If it only takes three people in the Federal Government to ensure compliance with emission standards and protect my families safety, I say that is a bargain! I believe that the FCC should remain the "eyes and ears" for the American consumer. I don't understand how a Federal government agency can propose to walk away from a responsibility so important. The proposal makes reference to European procedures but the FCC did not say is more than twice as many tests are required prior to marketing in Europe than in the United States. Be advised that **in Europe if a manufacturer sells a computer that does not comply with standards, huge fines are imposed.** Under this proposal the FCC wouldn't even know who to fine. A name and phone number etc., of a responsible party within the U.S. is all that is required. The proposal does not even address if FCC proposes to levy fines for non-compliance. It is important to remember, the objective of a corporation is to maximize profits. This proposal will make it much easier for the unscrupulous manufacturer to take advantage of the system and will subject the American public to increased risk. If the FCC gets away with this total abdication of responsibility, I would surely hope that at least it would be an American company ensuring compliance.

o BAD FOR U.S. BUSINESS

Under the FCC's proposal, the FCC claims that computer manufactures would save \$250 million annually and would stimulate the creation of jobs and competition in the computer industry. The proposal did not say where the industry savings will come from and where these jobs will be created. I believe the savings will come at the expense of public safety and most of the jobs will be created overseas. Currently, in the United States, there are many small independent labs which conduct compliance testing on computers and peripheral equipment prior to the marketing of their product. With no Federal government oversight, the manufacturers will lose the incentive they now have to comply with the rules, which will endanger public safety. At the same time, the FCC proposal would put many of these independent labs out of business. These labs would die just like the textile industry in this country died, with the jobs going overseas. To illustrate this point, imagine a manufacturer in Taiwan that develops a new computer and wants to export the product to the United States. The manufacturer has integrity and wants to ensure that the equipment complies with United States standards, but the manufacturer also wants to begin to sell this product as soon as possible. Wouldn't one expect that the manufacturer would use an engineering lab in Taiwan, instead of sending the equipment half way around the world to an American lab? **American labs will lose business big time** when the FCC gets out of the compliance testing business. In addition, I thought the Federal government had to conduct an assessment of the impact of a proposed rule on small business. If not, such a study should be conducted.

o BAD FOR AMERICA'S PUBLIC SAFETY

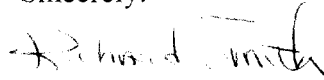
There are many potential safety concerns associated with this proposal. In the early 1980's when there were only hundreds of thousands of computers, it became necessary to establish standards, because interference was a problem. Back then computers were slow, however, today's computers run very fast and tomorrow's computers will be even faster yet. **The potential for interference is much greater today and will only increase tomorrow.** The public depends on the Federal government for protection from the harmful effects that can result from computers not in compliance. A notebook computer that is not in compliance with standards, could easily interfere with an airplane's navigational system. During the last year or so, there have been many unexplained airplane crashes. The airplane which was shot down over Russia could have strayed off course as a result of a noisy computer. I asked FCC employee Mr. John Reed if the FCC had any evidence of noisy computers causing navigation problems in airplanes. I was told that the FCC has no such evidence. I believe the evidence is somewhere and no one at the FCC is looking. Please research both the FAA and the Federal Drug Administration records to be positive interference is no problem. As a citizen, I wouldn't know who to call if I observed interference. There should be an 800 number for the public to call and the number should be on the computer. In the medical area, there are documented cases of interference to automatic wheelchairs, medical equipment, etc. from digital devices especially monitors. Several weeks ago, a hospital patient with a cellular phone, observed that his pacemaker skipped when the cellular phone rang. These are real concerns which must be addressed before any deregulation is implemented. Please don't wait for a tragedy to see the danger in this area.

o **AMERICAN INTEREST**

Under the current FCC procedures the Federal government obtains valuable information as a byproduct. The information contained in the required test report, provides the Federal government with the technological capabilities of foreign and American companies by the electronic devices these companies produce. This proposal will result in the loss of this capability, and the loss of a potential critical information database.

In conclusion, I submit to you that The President's reinvention and streamlining initiatives do not include initiatives which will jeopardize America's public safety, or initiatives that will destroy U.S. small businesses. The fact that this proposal will cost taxpayers millions every year is outrageous. If the FCC believes compliance testing is not necessary, then I say the FCC is no longer necessary. Just ensure an **American company** is responsible for protecting the **American public**.

Sincerely,

A handwritten signature in dark ink, appearing to read "Richard Smith", written in a cursive style.

Richard Smith